

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALFONSO BARKER HERNANDEZ :
: CIVIL ACTION
v. :
: NO. 23-46
ISAAC FULWOOD, ET AL. :
:

ORDER

AND NOW, this 13th day of February, 2023, upon consideration of Plaintiff's Motion and Application to Proceed In Forma Pauperis (Docket Nos. 6, 11) and all related submissions, and Plaintiff's pro se Amended Complaint (Docket No. 7), for the reasons set forth in the accompanying Memorandum, it is **HEREBY ORDERED** as follows:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Plaintiff shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Federal Detention Center ("FDC") in Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Plaintiff's inmate account; or (b) the average monthly balance in Plaintiff's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the FDC in Philadelphia.

4. The Amended Complaint is **DEEMED** filed.

5. The Amended Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

6. Notwithstanding the dismissal of this case, Plaintiff may seek habeas corpus or other relief challenging the constitutionality of his confinement.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ John R. Padova, J.

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